

FORM PTO-1390 (REV. 10-2003)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER 21147 (C038435/0178882)
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371			U.S. APPLICATION NO. (If known, see 37 CFR 1.5 Not yet assigned) <b>10/505314</b>
INTERNATIONAL APPLICATION NO. PCT/EP03/01537	INTERNATIONAL FILING DATE 15 February 2003	PRIORITY DATE CLAIMED 22 February 2002	
TITLE OF INVENTION <b>PROCESS FOR PRODUCING LEVODIONE</b>			
APPLICANT(S) FOR DO/EO/US Sakayu SHIMIZU and Masaru WADA			
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:			
<ol style="list-style-type: none"><li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li><li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li><li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li><li>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</li><li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))<ol style="list-style-type: none"><li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li><li>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</li><li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li></ol></li><li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).<ol style="list-style-type: none"><li>a. <input type="checkbox"/> is attached hereto.</li><li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li></ol></li><li>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))<ol style="list-style-type: none"><li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li><li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li><li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li><li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li></ol></li><li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).</li><li>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li><li>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li></ol>			
Items 11 to 20 below concern document(s) or information included:			
<ol style="list-style-type: none"><li>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li><li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li><li>13. <input checked="" type="checkbox"/> A preliminary amendment.</li><li>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li><li>15. <input type="checkbox"/> A substitute specification.</li><li>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</li><li>17. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.</li><li>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</li><li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li><li>20. <input checked="" type="checkbox"/> Other items or information: Certificate of Express Mail (1 p); Statement Under 37 CFR §1.821; and Return Postcard.</li></ol>			

U.S. APPLICATION NO. (if known) **10/505314** INTERNATIONAL APPLICATION NO.  
Not yet assigned PCT/EP03/01537

ATTORNEY'S DOCKET NUMBER  
21147 (C038435/0178882)

21. ☒ The following fees are submitted:

**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):**

Neither international preliminary examination fee (37 CFR 1.482)  
nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO  
and International Search Report not prepared by the EPO or JPO. . . . . **\$1080.00**

International preliminary examination fee (37 CFR 1.482) not paid to  
USPTO but International Search Report prepared by the EPO or JPO . . . . . **\$920.00**

International preliminary examination fee (37 CFR 1.482) not paid to USPTO  
but international search fee (37 CFR 1.445(a)(2)) paid to USPTO . . . . . **\$770.00**

International preliminary examination fee (37 CFR 1.482) paid to USPTO  
but all claims did not satisfy provisions of PCT Article 33(1)-(4) . . . . . **\$730.00**

International preliminary examination fee (37 CFR 1.482) paid to USPTO  
and all claims satisfied provisions of PCT Article 33(1)-(4) . . . . . **\$100.00**
**ENTER APPROPRIATE BASIC FEE AMOUNT =**
**CALCULATIONS PTO USE ONLY**

\$ 920.00

Surcharge of **\$130.00** for furnishing the oath or declaration later than 30 months  
from the earliest claimed priority date (37 CFR 1.492(e)).

\$

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	20 - 20 =	0	x <b>\$18.00</b>
Independent claims	2 - 3 =	0	x <b>\$86.00</b>
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ <b>\$290.00</b>
<b>TOTAL OF ABOVE CALCULATIONS =</b>			<b>\$ 920.00</b>

\$

\$

\$

\$

\$

☐ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above  
are reduced by 1/2.

\$

**SUBTOTAL =**

\$ 920.00

Processing fee of **\$130.00** for furnishing the English translation later than 30 months  
from the earliest claimed priority date (37 CFR 1.492(f)).

\$

0.00

**TOTAL NATIONAL FEE =**

\$ 920.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be  
accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). **\$40.00** per property +

\$

0.00

**TOTAL FEES ENCLOSED =**

\$ 920.00

Amount to be  
refunded:

\$

charged:

\$

a. ☒ A check in the amount of \$ 920.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. 02-4467 in the amount of \$ 920.00 to cover the above fees.  
A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any  
overpayment to Deposit Account No. 02-4467. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card  
information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a)  
or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:

Stephen M. Haracz, Esq.  
BRYAN CAVE LLP  
1290 Avenue of the Americas  
New York, NY 10104-3300  
Tel.: (212) 541-2000  
Fax: (212) 541-4630

SIGNATURE

Gonzalo Merino, Ph.D., Esq.

NAME

51,192

REGISTRATION NUMBER

10/505314

Docket No. 21147 (C038435/0178882)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE ACTING AS  
DESIGNATED/ELECTED OFFICE (DO/EO/US) UNDER THE PATENT  
COOPERATION TREATY CONCERNING A FILING UNDER 35 U.S.C. § 371**

In re Application of: )  
Sakayu SHIMIZU and Masaru WADA based on ) Examiner: Not Yet Assigned  
International Application No.: PCT/EP03/01537 ) Art Unit: Not Yet Assigned  
International Application Filing Date: 15 February 2003 )  
For: **PROCESS FOR PRODUCING LEVODIONE** )

New York, NY  
August 20, 2004

**CERTIFICATE OF EXPRESS MAILING**

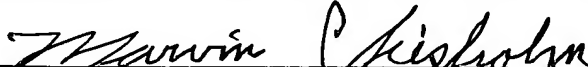
"Express Mail" Mailing Label No.: **ER 930264059 US**

Date of Deposit: August 20, 2004

I hereby certify that the following:

- [x] Certificate of Express Mailing (1 pg);
- [x] Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning A Filing Under 35 U.S.C. § 371 (2 pp.) in duplicate;
- [x] Preliminary Amendment (10 pp., including duplicate pg. 1);
- [x] Statement Under 37 C.F.R. § 1.821 including computer diskette as Exhibit A (2 pp.);
- [x] Information Disclosure Statement and PTO Form-1449 (10 pp. including duplicate pg. 3), and copies of references;
- [x] Check in the amount of \$920.00 to cover filing fee; and
- [x] Return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the Date of Deposit indicated above in an envelope addressed to Mail Stop PCT, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Marvin Chisholm

Signature of Person Making Deposit

BRYAN CAVE LLP  
1290 Avenue of the Americas  
New York, New York 10104  
(212) 541-2000